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free of scrap materials, empty containers, soiled wiping rags, waste, and other debris. Flammable liquids must be stored according to NFPA 30, chapter 4. (Incorporated by reference, see § 126.5.)

(c) All designated waterfront facilities that handle dangerous cargo in transport units must also meet the following:

(1) *Terminal yards.* Terminal yards must conform to the standards in NFPA 307, chapter 5.

(2) *Containers.* Containers packed with dangerous cargo that are vertically stacked must be stacked no more than four high.

[USCG-1998-4302, 68 FR 55441, Sept. 26, 2003]

§ 126.16 Conditions for designating a “facility of particular hazard.”

(a) *Basic requirements.* The facility shall comply with all the conditions in § 126.15 except where specifically waived by § 126.11.

(b) *Warning alarms.* Warning alarms shall be installed at the waterside of such a facility to warn approaching or transiting water traffic of immediate danger in the event of fire or cargo release. Warning alarms shall be of the siren type, or the emergency rotating flashing light type, and be of sufficient intensity to be heard, or seen, a distance of 1 mile during normal facility working conditions. The alarm signal shall not conflict with local municipal prescription.

[CGFR 67-93, 32 FR 20774, Dec. 23, 1967]

§ 126.17 Permits required for handling designated dangerous cargo.

Designated dangerous cargo may be handled, loaded, discharged, or transported at any designated waterfront facility only if a permit therefor has been issued by the Captain of the Port. This permit requirement may be waived, at the discretion of the Captain of the Port, when such cargoes are contained within railroad cars or highway vehicles which are moved on or across a waterfront facility used primarily for the transfer of railroad cars or highway vehicles to or from a railroad or highway vehicle ferry or carfloat; provided such designated cargoes are not removed from, or placed in, the railroad

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car or highway vehicle while it is in or on such waterfront facility.

[CGFR 58-43, 23 FR 8542, Nov. 1, 1958]

§ 126.19 Issuance of permits for handling designated dangerous cargo.

Upon the application of the owners or operators of a designated waterfront facility or of their authorized representatives, the Captain of the Port is authorized to issue a permit for each transaction of handling, loading, discharging, or transporting designated dangerous cargo at such waterfront facility provided the following requirements are met:

(a) The facility shall comply in all respect with the regulations in this subchapter.

(b) The quantity of designated dangerous cargo, except Class 1 (explosive) materials shipped by or for the Armed Forces of the United States, on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness established by local, municipal, territorial, or State authorities. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

(c) The quantity of designated dangerous cargo consisting of Class 1 (explosive) materials shipped by or for the Armed Forces of the United States on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness as established by the Captain of the Port. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

[CGFR 53-27, 18 FR 5348, Sept. 3, 1953, as amended by CGD 92-050, 59 FR 39965, Aug. 5, 1994]

§ 126.21 Permitted transactions.

All permits issued pursuant to § 126.19 are hereby conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) No amount of designated dangerous cargo, except Class 1 (explosive) materials shipped by or for the Armed Forces of the United States, in excess

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of the maximum quantity established by local, municipal, territorial, or State authorities shall be present on the waterfront facility and vessels moored thereto.

(c) Designated dangerous cargo shall not be brought onto the waterfront facility from shore except when laden within a railroad car or highway vehicle and shall remain in such railroad car or highway vehicle except when removed as an incident of its prompt transshipment. Designated dangerous cargo shall not be brought onto the waterfront facility from a vessel except as an incident of its prompt transshipment by railroad car or highway vehicle.

(d) No other dangerous cargo shall be on the waterfront facility during the period of transactions involving designated dangerous cargo, unless its presence is authorized by the Captain of the Port. This shall not apply to maintenance stores and supplies on the waterfront facility in conformity with § 126.15(g).

[CGFR 53-27, 18 FR 5348, Sept. 3, 1953, as amended by CGD 92-050, 59 FR 39965, Aug. 5, 1994]

§ 126.23 Termination or suspension of permits.

Any permit issued pursuant to § 126.19 shall terminate automatically at the conclusion of the transaction for which the permit has been issued and may be terminated, or suspended, prior thereto by the Captain of the Port whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension by the Captain of the Port shall be given to the permittee in writing.

[CGFR 51-37, 16 FR 8679, Aug. 28, 1951]

§ 126.25 Penalties for handling designated dangerous cargo without permit.

Handling, loading, discharging, or transporting any designated dangerous cargo without a permit, as provided under § 126.17, being in force, will subject persons responsible therefore to the civil or criminal penalties provided in Section 13 of the Ports and Water-

ways Safety Act, as amended (33 U.S.C. 1232).

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.27 General permit for handling dangerous cargo.

A general permit is hereby issued for the handling, storing, stowing, loading, discharging or transporting of dangerous cargo (other than designated dangerous cargo) in bulk, portable tanks, containers, or packagings, at designated waterfront facilities, conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) You must notify the COTP before you handle, store, stow, load, discharge, or transport, in the net weight amounts specified, the following dangerous cargo, except when contained within transport units or railroad or highway vehicles being transported across or on the waterfront facility solely for transfer to or from a railroad-car ferry, highway-vehicle ferry, or carfloat:

(1) Class 1, Division 1.3 and Division 1.5 (Explosive) materials, with a net explosive quantity in excess of 36,400 kg (40 net tons) at any one time.

(2) Class 2, Division 2.1 (Flammable Gas) materials in bulk packaging; or Division 2.3 (Poison Gas) materials in excess of 72,800 kg (80 net tons) at any one time.

(3) A Class 7 (Radioactive) material in a highway route controlled quantity, as defined in 49 CFR 173.403.

(4) Flammable solids or oxidizers, in excess of 100 net tons at any one time.

(5) Flammable gases, in excess of 10 net tons at any one time.

(6) Poisons (Class A).

(7) A bulk shipment of a cargo of particular hazard.

(c) No Class 1 (explosive) materials (as defined in 49 CFR 173.50) or other dangerous cargoes prohibited from, or not permitted for, transportation by 46 CFR part 148 or 49 CFR parts 171 through 179 may be present on the waterfront facility.

(d) Break-bulk dangerous cargo must be segregated according to 49 CFR 176.83(a) through (c). No separation is required for break-bulk dangerous cargo in limited-quantity packaging.